

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 14, 2005. Claims 12 to 23 and 53 to 64 are in the application, and all of those claims have been allowed. Reconsideration and further examination are respectfully requested.

Turning first to a formal matter involving the drawings, it is respectfully requested for the Examiner to approve the 32 sheets of formal drawings that were filed on August 13, 2001, and to approve the five sheets of replacement drawings that were filed on November 20, 2001.

Turning to the merits of the office action, Applicants continue to traverse the requirement for election. In maintaining the requirement for election, the Office Action cited to MPEP § 806.04(f), but in its citation the Office Action misquoted, and therefore misapplied, the cited section. Specifically, the Office Action stated that the Applicants' previous traversal was not found persuasive because "base[d] on the claims, they [i.e., the claims] are mutually exclusive". However, MPEP § 806.04(f) requires species (not claims) to be mutually exclusive. As previously stated in Applicants' traversal, claims are never species; rather, species are always specifically different embodiments. See MPEP § 806.04(e). The USPTO's continued focus on claims rather than embodiments has resulted in a faulty requirement for election. Accordingly, Applicants maintain their request for withdrawal of the requirement for election, and maintain their position that the requirement was entered improvidently.

Applicants thank the Examiner for her indication that all of Claims 12 to 23 and 53 to 64 have been allowed. Based on this indication, all other claims have been cancelled without prejudice or disclaimer of subject matter, and without conceding the correctness of the requirement for election by which these claims were withdrawn from further consideration on the merits.

No other matters being raised, it is respectfully submitted that the application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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